IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY THE 5TH DAY OF JULY, 2005
PRESENT

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14422 of 2005

Between:

Betu Naga Pavan Kumar S/o. Subba Rao, Rep. by his father Sri Subba rao S/o. Rajagopalam, aged 43 yrs, Business, Chanamilli, Nidamarru Mandal, West Godavari District.

PETITIONER

AND

Board of Intermediate Education, Rep. by its Secretary and

Commissioner, Nampally, Hyderabad.

RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the impugned action of the respondent in not re-verifying the examination as per law resulting in declaring a wrong result of the petitioner as illegal, arbitrary and violative of principles of natural justice etc and consequently direct the Respondent to re-verify/evaluate the answer sheet of Chemistry Paper II of the Petitioner bearing Hall ticket No. 050456643 properly in the presence of the petitioner or his authorized representative and declare the modified result together with the marks memo and grant such other just and consequential relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.V.ANANTHA KRISHNA

Counsel for the Respondent: KUM.C.SINDHU KUMARI

The Court made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondent in not re-verifying his answer script as per law resulting in declaring a wrong result as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent to re-verify/evaluate his answer sheet of Chemistry Paper II bearing Hall ticket No.050456643 properly and declare the modified result together with the marks memo.

According to the petitioner, he appeared for the Intermediate Examination and though he performed well in Chemistry paper II, the marks awarded to him show that the paper was not valued properly. Therefore, as provided under the rules, he applied for re-verification by paying necessary fee. It is stated that though the respondent sent a memo dated 25-5-2005 along with a copy of his answer sheet, the same does not show that there was any re-verification of the answer script of the petitioner as was sought for. Therefore, the petitioner has come up with the present writ petition.

At the time of hearing, the learned counsel appearing on behalf of the petitioner contended that the answer script sent to the petitioner shows that there is no evidence of re-verification as was contemplated under the rules. The learned counsel also contended that some of the questions were not even awarded any marks such as question No.9, and further no fresh memo of marks was issued after re-verification. It is also contended that there is no proper re-verification as contemplated under the rules.

The learned Standing Counsel appearing on behalf of the respondent -Board contended that as per rules, only re-verification is provided, for which the petitioner has applied, and after re-verification, the memo along with the copy of the answer script was sent to the petitioner. It is stated that the re-verification shows that there is no change in the marks originally awarded to the petitioner with reference to the Chemistry Paper II, therefore, no fresh memo was issued except sending the answer script along with the 1st sheet containing the marks awarded to each of the question answered by the petitioner. The learned counsel also contended that according to the petitioner, re-verification would include re-verification or valuation which is not intended to under the rules. What is contemplated according to rule is only re-verification of the marks already awarded by the original lecturer who is the valuer of the answer script, and if there is any mistake in the totaling of the marks or if any

omission occurred while evaluating any of the answers, that would be considered. As the answer script was verified and no such omissions or mistakes are found, the petitioner was given with a memo dated 25-5-2005 along with a copy of the answer script. Therefore, there is no illegality warranting interference with the action of the respondent.

Heard both sides and considered the material on record.

As per the Rules, what is provided is only re-verification of the answer script which does not include re-valuation. The marks awarded and copy of the answer script sent to the petitioner clearly shows that there is no change in the originally awarded marks as a result of re-verification. Therefore, the memo was issued by the respondent showing the same marks as was originally awarded. However, the grievance of the petitioner is that no fresh marks memo was issued after re-verification to say that there is re-verification of the answer script. But, as there is no change in the marks originally awarded in the marks memo, there is no need to issue a fresh marks memo after re-verification. Therefore, there is no merit in the contention of the petitioner.

Hence, the writ petition is dismissed as devoid of merits.

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Justice S.ANANDA REDDY

Date : 5th July, 2005

Dvs

Copies to:

1. The Secretary and Commissioner, Board of Intermediate Education, Nampally, Hyderabad.

2. Two CD copies.

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.P. NO.14422 OF 2005

5th July, 2005